

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ESCORT INC.,**

Plaintiff,

v.

**UNIDEN AMERICA CORPORATION,**

Defendant.

Case No. 3:18-cv-161-N

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**PLAINTIFF ESCORT INC.'S RESPONSE IN OPPOSITION TO UNIDEN AMERICA  
CORPORATION'S MOTION TO STRIKE PORTIONS OF DR. CHRIS BARTONE'S  
EXPERT REPORTS**

With respect to Uniden's estoppel arguments, they should be denied as moot. Escort previously agreed not to relitigate the validity of claims 18 and 45 of the '038 patent and not to reference the K-40 IPRs provided Uniden does not open to the door to these issues. In addition, Escort agrees that "Orr's Prior Invention," as defined in footnote 2 of Uniden's brief (Dkt. 98), is prior art.

Escort denies that Dr. Bartone is attempting to present a new infringement theory. With that said, in an effort to resolve any potential confusion, Escort agrees to not introduce any opinion from Dr. Bartone that the claimed "microprocessor" is met by a combination of the GPS MCU and Main MCU in the accused products. In other words, as requested by Uniden, Escort agrees that Dr. Bartone will opine that the claimed "microprocessor" is met by the Main MCU in the accused products, with the understanding that Dr. Bartone is permitted to explain the basis disclosed in his reports for why the Main MCU meets the claimed microprocessor limitations.

Escort also disagrees that Dr. Bartone is presenting a new claim construction argument. With that said, in an effort to resolve this issue Escort agrees that Dr. Bartone will not present any opinion that the preambles of the asserted claims are limiting

Lastly, Escort denies that its priority date claim was not timely disclosed or that Dr. Bartone should not be permitted to offer opinions regarding the same. As such, and for the reasons set forth in Escort's Brief in Opposition and accompanying Appendix, Uniden's motion on this point should be denied on the merits and Uniden's other arguments should be denied as moot.

DATED: May 14, 2020

Respectfully submitted,

/s/ Timothy E. Grochocinski

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served on counsel for all parties of record on May 14, 2020 via the Court's CM/ECF system.

/s/ Timothy E. Grochocinski